

Application No.: 09/974710

Case No.: 55526US002

Remarks

Claims 1-8, 10-17, 19-23, and 25-67 are pending. Claims 23 and 61-67 have been canceled. Claims 36-52 have been withdrawn from consideration. Claims 1, 22, 28, 53, 57, 59 and 60 are amended.

Objections under 37 C.F.R. 1.75(c)

Claims 59-62 and 67 are objected to under 37 C.F.R. 1.75(c), as being of improper dependent form for failing to further limit the subject matter of the previous claims. The Examiner asserts that Claims 59-62 read the same as original claims 14-17 and that Claim 67 reads the same as original claim 15. Applicants have amended the dependency of Claims 59 and 60 and cancelled claims 61-62 and 67. Therefore, the Examiner's objection has been overcome.

§ 112 Rejections

Claims 1-8, 10-17 and 19-21 stand rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claim 1 has been amended to address the Examiner's concerns. This amendment does not, and is not intended to, narrow the original scope of Claim 1.

In summary, Applicants submit that the rejection of claims 1-8, 10-17 and 19-21 under 35 USC § 112, second paragraph, has been overcome, and that the rejection should be withdrawn.

§ 102 Rejections

Claims 22, 24, 26 and 27 stand rejected under 35 USC § 102(b) as being anticipated by Goepfert et al. (US 2,667,436). Claim 24 has been cancelled in a previous correspondence. The Examiner states that Goepfert discloses a cap layer. However, the cap layer in Goepfert is a removable protective sheet. See Goepfert, Col. 2, line 55. Claim 22 has been amended to clarify

Application No.: 09/974710

Case No.: 55526US002

the cap layer is laminated to the structured surface and is not removable. Support for this amendment can be found, for example, at page 16, lines 7-15 of the application as originally filed. Claim 22 is not anticipated by the Goepfert reference. Claims 26 and 27 both depend from claim 22, and therefore also are not anticipated.

Claims 28, 30 and 33-35 stand rejected under 35 USC § 102(b) as being anticipated by Calhoun et al. (US5,888,650). Applicants have amended claim 28 to clarify that the first adhesive layer and the second adhesive layer are in contact. Support for this amendment can be found, for example, at Figure 5C. Claim 28 is not anticipated by the Calhoun reference. Claims 30 and 33-35 depend from claim 28, and therefore also are not anticipated.

Claims 53-55 stand rejected under 35 USC § 102(b) as being anticipated by Calhoun et al. (US 5,087,494). Much like Goepfert, Calhoun discloses a removable liner. Claim 53 has been amended to clarify the cap layer is laminated to the structured surface and is not removable. Support for this amendment can be found, for example, at page 16, lines 11-15 of the application as originally filed. Claim 53 is not anticipated by the Calhoun reference. Claims 54-55 depend from claim 53, and therefore also are not anticipated.

Claims 1-8 and 19-21 stand rejected under 35 USC § 102(b) as being anticipated by Mazurek et al. (US 5,650,215). The Examiner states that Mazurek discloses a cap layer (Reference 8 in Figure 3a of Mazurek.) However, this is again, a liner which will be removed from the adhesive layer. See Col. 9, lines 55-60 of Mazurek. Claim 1 has been amended to clarify the cap layer is laminated to the structured surface and is not removable. Support for this amendment can be found, for example, at page 16, lines 7-15 of the application as originally filed. Therefore, Claim 1 is not anticipated by Mazurek. Claims 2-8 and 19-21 depend from claim 1, and therefore are also not anticipated.

Claims 56-58 stand rejected under 35 USC § 102(b) as being anticipated by Hata (WO 97/33946). The smallest volume reported in Hata is 0.8 mm^3 . This converts to 0.8×10^{-6} liters.

Application No.: 09/974710

Case No.: 55526US002

20 nL is equal to 20×10^{-9} liters. Hata fails to disclose volume of each is less than about 20 nL. Therefore, claims 56-58 are not anticipated by Hata.

Claims 63-65 stand rejected under 35 USC § 102(e) as being anticipated by Sher et al. (US 6,197,397). Claims 63-65 have been cancelled.

§ 103 Rejections

Claim 25 stands rejected under 35 USC § 103(a) as being unpatentable over Goepfert et al. (US 2,667,436) in view of Hata (WO 97/33946). Claim 25 depends from claim 22. However, as stated above, Goepfert fails to disclose each and every element of claim 22, namely a non-adhesive cap layer laminated to the structured surface. Hata fails to remedy this deficiency in Goepfert. Therefore, claim 25 is not obvious over Goepfert in view of Hata.

Claim 31 stands rejected under 35 USC § 103(a) as being unpatentable over Calhoun et al. (US 5,888,650) in view of Goepfert (US 2,667,436). Claim 31 depends from claim 28. However, as stated above, Calhoun fails to disclose each and every element of claim 28, namely a first adhesive layer in contact with the second adhesive layer. Goepfert fails to remedy this deficiency in Calhoun. Therefore, claim 31 is not obvious over Calhoun in view of Goepfert.

Claims 10, 12, 14, 15 and 66 stand rejected under 35 USC § 103(a) as being unpatentable over Mazurek et al. (US 5,650,215) in view of Hata (WO 97/33946). Claim 66 has been cancelled. Claims 10, 12, 14 and 15 depend from claim 1. However, as stated above, Mazurek fails to disclose each and every element of claim 1, namely a cap layer laminated to the structured surface. Hata fails to remedy this deficiency in Mazurek. Therefore, claims 10, 12, 14 and 15 are not obvious over Mazurek in view of Hata.

Claims 11, 13, 16 and 17 stand rejected under 35 USC § 103(a) as being unpatentable over Mazurek et al. (US 5,650,215) in view of Sher et al. (US 6,197,397). Claims 11, 13, 16 and 17 depend from claim 1. However, as stated above, Mazurek fails to disclose each and every

Application No.: 09/974710

Case No.: 55526US002

element of claim 1, namely a cap layer laminated to the structured surface. Sher fails to remedy this deficiency in Mazurek. Therefore, claims 11, 13, 16 and 17 are not obvious over Mazurek in view of Sher.

In view of the above, it is submitted that the application is in condition for allowance. Reconsideration of the application is requested.

Respectfully submitted,

July 2, 2004
Date

By: Colene H. Blank
Colene H. Blank, Reg. No.: 41,056
Telephone No.: (651) 737-2356

Office of Intellectual Property Counsel
3M Innovative Properties Company
Facsimile No.: 651-736-3833